



## City of Seattle

Edward B. Murray, Mayor

### Department of Construction and Inspections

Nathan Torgelson, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

**Application Number:** 3022386

**Applicant Name:** Julie Templeton

**Address of Proposal:** 7900 35<sup>th</sup> Avenue Southwest

### SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use of a 948 sq. ft. portion of an existing building from retail sales and service to eating and drinking establishment (Tap Station).

The following approvals are required:

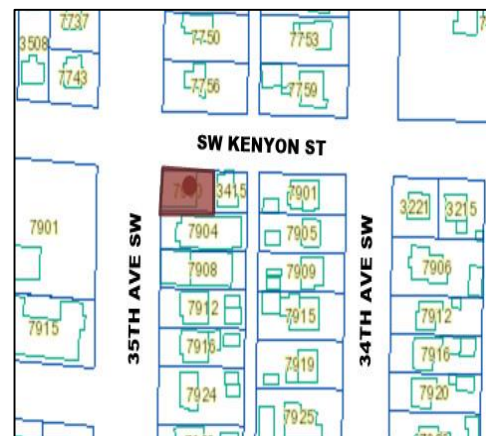
**Administrative Conditional Use** – to allow an eating and drinking establishment within an NC1-30 zoning designation (SMC 23.47A.006).

### BACKGROUND DATA

#### Site and Vicinity

The 3,108 sq. ft. lot is located at 7900 35<sup>th</sup> Avenue on the southeast corner at the intersection of Kenyon Street and 35<sup>th</sup> Avenue in the Fauntleroy neighborhood. The subject property has a zoning designation of Neighborhood Commercial with a maximum height limit of 30 feet (NC1-30). There are no environmentally critical areas on or adjacent to the site.

Nearby zoning includes Neighborhood Commercial Pedestrian (NC2P-40) and Single Family (SF 5000). This area is characterized as a single family neighborhood with small scale neighborhood oriented commercial uses along 35<sup>th</sup> Avenue. Development in the vicinity consists of a mixed of residential, commercial, and institutional uses. Across 35<sup>th</sup> Avenue to the west is a one-story commercial building surrounded by a moderate sized surface parking lot set between the structure and both



street frontages. This corner lot property is visually prominent of the commercially zoned properties. A block and a half away to the northeast is a private school, Westside School. Principal structures in the surrounding area are smaller-scale apartments and single family uses.

### Description of Proposal

The applicant proposes to convert an existing (beer and wine) retail space into an eating and drinking establishment. The existing establishment, Tap Station, operates currently Monday-Thursday 3 pm–10pm, Friday 3pm–11 pm, Saturday 12 pm–11 pm, and Sunday 1 pm–8 pm. The restaurant would have maximum occupancy of 38 persons. As indicated on submitted plans, the proposed use will occupy a portion of the existing structure, as such; the exterior of the building will be maintained with only interior alterations to accommodate the new use.

There are two existing parking spaces located on the project site, which are accessed from Kenyon Street. No additional parking is proposed for this project.

No construction or grading is associated with this review; it is for change of use only. No changes are proposed to the existing building or the on-site parking.

### Public Comment

The public comment period ended on January 20, 2016. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to support for the proposal and concerns about parking and loading. Comments were also received that are beyond the scope of this review and analysis per SMC 23.47A.006.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

The proposed drinking establishment is permitted in NC1-30 zones with approval an administrative conditional use SMC 23.47A.004.

### ***23.47A.006 - Conditional uses***

***A. The following uses, where identified as administrative conditional uses on Table A for 23.47A.004, or other uses identified in this Section 23.47A.006, may be permitted by the Director when the provisions of both Section 23.42.042 and this subsection 23.47A.006.A are met:***

***1. Drinking establishments. Drinking establishments in NC1 and NC2 zones may be permitted as a conditional use subject to the following:***

***a. The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.***

The proposed establishment will occupy the existing Tap Station, which will maintain the same name, signage, and overall exterior appearance. Minor interior improvements are proposed to accommodate the new use. As such, the proposed drinking establishment will remain compatible with the character of the surrounding area.

***b. The location, access and design of parking must be compatible with adjacent residential zones.***

No new parking is proposed. Two existing parking spaces are located at the southeast corner of the site and no changes are proposed to the location, access, or design of that parking.

***c. Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings where the drinking establishment is located on a lot that abuts or is across from a residential zone.***

No additional windows or doors are proposed. The subject site is located on the corner of SW Kenyon Street and 35<sup>th</sup> Avenue and is separated from the Single Family zone to north by SW Kenyon Street. The existing north façade has two windows located toward the front of the structures and a service door located toward the rear of the structure. There is also one existing door located at the rear of the structure, however, this door accommodates the neighboring business and is not connected to the subject proposal.

The application materials note, “aside from the existing inoperable windows on the northwest corner of the building, and service entrance/exit door, there are no openings that face the abutting residential zone.” As such, there are no anticipated added impacts to the residential zone across the street related to location of windows and doors or the residential property to the east as there are no opening existing or proposed related to this project. The proposal meets this criterion.

***d. Drinking establishments must not generate traffic that creates traffic congestion or further worsens spillover parking on residential streets.***

**Traffic:**

According to Trip Generation, “7th Edition,” ITE (Institute of Transportation Engineers), the peak PM hour trip generation for a “Drinking Place” is 15.49 trips per 1000 square feet of gross floor area. During peak hours for the “drinking establishment” 15.49 trips are anticipated during the peak hour. It is worth noting that peak hours for drinking establishments do not coincide with peak hours of general traffic. During the PM Peak hour for all traffic, 11.34 vehicle trips per hour are anticipated for this use.

The ITE Trip Generation samples cited above were taken in more suburban settings where traffic patterns may not reflect more dense urban centers, such as Seattle. Within the City, vehicle trips are generally substantially lower due in part to: proximity of residential uses to employment work centers and retail uses; availability and location of public transit; and other modes of travel which make it likely there will be fewer vehicle

trips than from developments in outlying areas on which the ITE generation equation is based. It is Seattle DCI's experience that these above reference figures do not fully capture available modes of travel options for individuals living in the vicinity.

Neighborhood Commercial zones are typically pedestrian oriented and offer a variety of commercial uses and services within easy walking distance of nearby residents. It is anticipated that patrons living nearby will not be solely dependent on automobile use. The subject lot is located on a Metro bus route along 35th Avenue Southwest. Taken altogether, traffic impacts will most likely be less than noted by ITE data. Taking into consideration the context of the neighborhood, the proposed use, and the proposed establishment layout, it is not anticipated that the proposal will further worsen traffic and parking on neighboring streets in the adjacent residential zones. Traffic is expected to flow to and from the subject site along primary arterials within commercial zones.

**Parking:**

The existing site includes two parking spaces. No parking is required per SMC 23.54.015.D, and no additional parking is proposed.

To demonstrate that the proposed use will not further aggravate spillover parking on residential streets, Seattle DCI requested a parking analysis which was received by the Department on December 22, 2015. The parking survey included existing on-street parking information taken between 11/24/15-12/4/15. The parking survey results showed that a majority of homes in the area have access to off-street parking. In addition, the applicant anticipates the majority of customers are anticipated to be from the immediate neighborhood and would therefore walk or bike to the establishment.

The Parking Survey was conducted during peak parking demand times for drinking establishments: weekday evening hours, weekend afternoon hours, and weekend evening hours. The area studied was less than the standard 800' radius for parking studies. The area studied comprised of a combination of NC1 and Residential zones along 35<sup>th</sup> Avenue Southwest between Southwest Elmgrove Street and Southwest Holden Street, Southwest Kenyon Street from 32<sup>nd</sup> Ave Southwest to 36<sup>th</sup> Avenue Southwest, Southwest Monroe Street from 35<sup>th</sup> Ave Southwest to 37<sup>th</sup> Avenue Southwest, and Southwest Elmgrove Street from 34<sup>th</sup> Ave to 37<sup>th</sup> Ave Southwest. A total number of 160 on-street parking spaces were identified. During the study, the highest number of occupied available parking spaces reached 120 late Saturday evening (8:00-10:100 PM, Saturday evening) which left 40 available spaces, or a peak parking utilization rate of 75%.

Any change of use or new use (even a use permitted outright) may cause spillover parking onto the streets. In this case, parking demand is expected to increase from the previous retail use.

According to the ITE Parking Manual, the peak demand for similar uses to the proposed use is 13.3 parking spaces/1,000 square feet of business area on a weekday evening, and 16.3 parking spaces/1,000 square feet on a Saturday evening. Based on the proposed 948 square foot eating and drinking establishment, the peak demand for parking could be as much as 16 spaces. As noted, the existing site includes two parking spaces and there is

no proposed parking. The proposal could generate up to 14 spillover parking spaces on adjacent streets.

The assumptions in the ITE Manual are based on studies of suburban sites and anticipated parking demand will be less than the ITE Manual numbers, for the reasons stated in the parking analysis above.

Even with the conservative assumption of a need for 14 parking spaces, the resulting peak parking demand in the study area would be 84% utilization, with 26 remaining on street parking spaces. Based on the parking study and the ITE conservation assumptions, the proposed use would not significantly worsen on-street parking conditions on adjacent streets. In reality, the parking impact will likely be even less than 84% total utilization for the identified parking areas. The larger 800' standard parking study area would likely translate to even lower utilization rates than the one analyzed.

In summary, it is expected that the proposed drinking establishment will increase impacts but will not create traffic congestion or further worsens spillover parking on residential streets. The potential exists for some spillover parking by some patrons; however, this would not worsen the impact to residential streets.

The Department concludes that the proposed drinking establishment will not create traffic congestion or significantly worsen spillover parking on adjacent streets and the proposal meets this criterion.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Administrative Conditional Use application is **GRANTED**.

### **CONDITIONS - ACU**

None required.

Crystal Torres, Land Use Planner Date: April 4, 2016  
Seattle Department of Construction and Inspections

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## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.